

Blackhawk's Supplemental Damages Jury Instructions

Blackhawk Option 1:

In your infringement verdict, you found that Blackhawk infringed claims 1 and 19 of the '439 patent. If you concluded that BLISS performed the initiating step of claims 1 and 19 of the '439 patent, then you should award nominal damages in the amount of \$1.

Blackhawk Option 2:

In your infringement verdict, you found that Blackhawk infringed claims 1 and 19 of the '439 patent. If you concluded that BLISS performed the initiating step of claims 1 and 19 of the '439 patent, the parties have agreed that there is no evidence regarding a reasonable royalty related to transactions involving BLISS. As a result, you should award nominal damages in the amount of \$1.

Blackhawk Option 3:

If you cannot determine a reasonable royalty from the evidence presented without speculating as to the amount, then you should award nominal damages in the amount of \$1.